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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number

10/607,664

Filing Date

June 27, 2003

First Named Inventor

Ferree

Art Unit

3738

Examiner Name

Snow

Attorney Docket Number

SP112.1

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/  
Incomplete Application

☐

Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

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CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks

☐

After Allowance Communication to TC

☐

Appeal Communication to Board  
of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify  
below):

Return Postcard

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Jerrold J. Litzinger

Signature

*Jerrold J. Litzinger*

Printed name

Jerrold J. Litzinger

Date

July 25, 2005

Reg. No.

29402

### CERTIFICATE OF TRANSMISSION/MAILING

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Signature

*Jerrold J. Litzinger*

Typed or printed name

Jerrold J. Litzinger

Date

July 25, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: FERREE

Serial No.: 10/607,664

Filing Date: June 27, 2003

For: BONE CELL COVERED  
ARTHROPLASTY DEVICES

Group Art Unit: 3738

Examiner: Snow

Honorable Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the restriction requirement set forth in the Office Action dated June 23, 2005 (Paper No. 06202005), Applicant hereby provisionally elects claims 13-19 for continued examination, with traverse.

The examiner states that the application includes two distinct inventions: claims 1-12 drawn to a prosthetic device; and claims 13-19 drawn to a method of implanting/harvesting/culturing bone cells on a prosthetic device.

FIGS. 1, 2, 4, 5C, 5D, 9A and 10A all show a prosthetic device which is manufactured according to the present invention. The procedure for developing this device is described in detail in the specification from page 24, line 24, through page 26, line 5.

Applicant elects the femoral implant shown in FIG. 1 having a textured surface area contacting the bone, where bone cells are grown onto the textured surface, which is prepared according to claim 13.

Finally, applicant respectfully submits that, given the circumstances of this case, where there is a reasonable number of claims, it would not be a serious burden to examine the claims pending at this time. M. P. E. P. § 803 directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. This directive should be followed in this case.

Allowance of the application is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerrold J. Litzinger". The signature is fluid and cursive, with the first name "Jerrold" and last name "Litzinger" clearly distinguishable.

Jerrold J. Litzinger  
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